<u>REMARKS</u>

Claims 1-27 are pending in the Application. Claims 14-18 and 27 are objected because of informalities. Claims 4-5 and 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants cancelled claims 1-3, 6-9, 12-13 and 19-26 without prejudice or disclaimer. Hence, claims 4-5, 10-11, 14-18 and 27 are pending. Applicants reserve the right to file a continuation application to capture the subject matter of cancelled claims 1-3, 6-9, 12-13 and 19-26.

Applicants address the claim objections to claims 14-18 and 27 below and believe that the objections to claims 14-18 and 27 are overcome. Further, Applicants amended claims 4-5, 10-11, 14-18 and 27 to be rewritten in independent form including all of the limitations of the base claim and any intervening claims. Consequently, Applicants assert that claims 4-5, 10-11, 14-18 and 27 are allowable. Applicants respectfully request the Examiner to issue a notice of allowance allowing claims 4-5, 10-11, 14-18 and 27.

Applicants note that claims 4-5, 10-11, 14-18 and 27 were not amended to overcome prior art but to be written in independent form. Applicants further note that claims 14-18 and 27 were also amended not to overcome prior art but to clarify the claimed subject matter by eliminating the term "operable" with a phrase reciting more positive language. Hence, the amendments made to claims 4-5, 10-11, 14-18 and 27 were not narrowing in scope and therefore no prosecution history estoppel arises from the amendments to claims 4-5, 10-11, 14-18 and 27. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 4-5, 10-11, 14-18 and 27 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. *See Festo Corp.*, 62

U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

The Examiner has further rejected claims 13, 23 and 26 under 35 U.S.C. §102(b). The Examiner has further rejected claims 1-3, 6-9, 12, 19-21 and 24 under 35 U.S.C. §103(a). As stated above, claims 1-3, 6-9, 12-13 and 19-26 are cancelled without prejudice or disclaimer and hence the rejections to these claims are moot.

I.   CLAIM OBJECTIONS:

The Examiner has objected to claims 14-18 and 27 because of the indefiniteness of the phrase "is operable for storing" following the phrase "wherein said memory unit" in claims 13 and 26. Paper No. 5, page 2. Applicants have amended claims 14-18 and 27 (written in independent form) by replacing the phrase "wherein said memory unit is operable for storing a computer program" with the phrase "wherein said memory unit stores a computer program." Further, Applicants replaced the phrase "wherein the computer program is operable for performing the following programming steps" in claims 14-18 and 27 (written in independent form) with the phrase "wherein the computer program is executed to perform the following programming steps" to recite more positive language. Applicants respectfully request the Examiner to withdraw the objections to claims 14-18 and 27.

II.   CONCLUSION:

As a result of the foregoing, it is asserted by Applicants that claims 4-5, 10-11, 14-18 and 27 in the Application are in condition for allowance, and respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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